

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25032 of 2004

Between:

P. Badrinarayan, S/o. Late Sri P. Devaiah,
R/o. H.No. 3-3-838, Kutbiguda, Hyderabad - 27.

..... PETITIONER

AND

1 Government of Andhra Pradesh,

Revenue Department (Endowments),

Represented by its Secretary, Secretariat, Hyderabad.

2 The Commissioner, Endowments Department,

Boggulakunta, Hyderabad.

3 The Deputy Commissioner, Endowments Department,

Boggulakunta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the inaction of the 3rd respondent in disposing of O.A.No. 27/1997 as illegal, arbitrary and unjust and consequently direct the 3rd respondent to expeditiously dispose of the O.A. 27/1997.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

ORDER:

The petitioner filed O.A.No.27 of 1997 before the 3rd respondent under Section 87 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') for a declaration that the Munnuru Kapu (Kapu) Vidyarthi Vasathi Gruham, Hyderabad is not a public charitable institution under the purview of the Act and it is a private institution. His grievance is that though the application was pending since last seven years, it has not been disposed of, and in the mean while, the respondents are appointing Trust Boards for management of the same. Petitioner alleges that the institution has been subjected to gross mismanagement and the very purpose of its establishment was being defeated. In this context the petitioner seeks a writ of Mandamus declaring the inaction of the 3rd respondent in disposing of O.A.No.27 of 1997 as arbitrary and illegal.

Heard learned counsel for the petitioner and the learned Government Pleader for Endowments.

Section 87 of the Act empowers the Deputy Commissioner to entertain applications for declaration of rights in relation to Religious Endowments or Institutions. The declaration granted under the provision would have a bearing on the very applicability of the provision in relation to such Institutions or the properties held by them. Seven years, by no means, can be said to be a reasonable time for keeping the matter pending. One after the other, Trust Boards are being appointed and the very purpose of filing of the O.A. is getting defeated.

For the foregoing reasons, the writ petition is disposed of directing the 3rd respondent to pass appropriate orders in O.A.No.27 of 1997, within a period of three months from the date of receipt of a copy of this order. It is directed that in case no fresh Trust Board has been appointed as yet, the concerned authority shall consider the feasibility of deferring the same till the disposal of the O.A. On the other hand, if such a Board has already been constituted, the same shall be subject to the outcome of the O.A. There shall be no order as to costs.

17-02-2005

vs

To

1 The Secretary, Government of Andhra Pradesh,

Revenue Department (Endowments),
Hyderabad.

2 The Commissioner, Endowments Department,

Boggulakunta, Hyderabad.

3 The Deputy Commissioner, Endowments Department,

Boggulakunta, Hyderabad.

4 Two CCs to the G.P for Endowments, High Court Buildings,

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